



STATE OF MAINE
OFFICE OF THE GOVERNOR
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04333-0001

Paul R. LePage
GOVERNOR

December 5, 2013

The Honorable Kathleen Sebelius, Secretary
United States Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, DC 20201

Dear Secretary Sebelius:

I am writing today because the failure of the Federally Facilitated Marketplace (FFM) has forced an unacceptable burden upon our State and citizens.

The FFM was supposed to help people determine whether their income qualified them for Medicaid or for a subsidy to purchase private health insurance. If it appeared that a person might qualify for Medicaid, the federal government promised to send all of the applicant's information to Maine electronically so that we could make the final eligibility determination. However, the federal government has failed to send this information, even though our computer systems (which you mandated we purchase) are ready to receive it.

You have been sending letters to these applicants telling them that the FFM has completed its review and that the final Medicaid eligibility decision rests with the State. You suggest in your letters that the State is prepared to make a determination based on the information already gathered. This is worse than misleading; it is a disservice to those individuals.

As we both know, Maine cannot determine whether individuals qualify for Medicaid (MaineCare) unless you provide us with the information you collected, yet failed to send. The delay rests solely with the federal government. I request that your communications be changed to reflect this and that you clarify this to those who have already applied to the FFM, as we have tried to do.

Because of the delays you have caused, I have grave concerns about individuals not being able to enroll for coverage effective on January 1, 2014, which is only four weeks away. Individuals must sign up through the exchanges by December 23 to have coverage on January 1,



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but some of them may mistakenly think they qualify for MaineCare. Consequently, they will not purchase insurance in time.

The federal government is telling applicants to wait for their MaineCare determinations, but it has failed to send the information required for Maine to make these determinations. These people run the risk of having no insurance on January 1 through no fault of their own and no fault of the state. The fault lies entirely with the federal government.

Additionally, since you have no guidance for when your computer systems will start sending the necessary information to Maine, the administrative burden that will fall on State staff will be overwhelming, especially with the likelihood that potential applications will continue to grow. I want to be clear that our State will not accept nor bear the burden for what the federal government has caused in its failed system launch.

Sincerely,


Paul R. LePage
Governor

cc: Senator Susan Collins
Senator Angus King
Representative Chellie Pingree
Representative Michael Michaud